

UTAH STATE UNIVERSITY AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: Christine F. Watkins

LONG TITLE

General Description:

This bill amends provisions related to Utah State University and Utah State University's regional colleges and campuses.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends provisions related to the Utah State University board of trustees;
- ▶ amends provisions related to a career and technical education advisory committee for Utah State University, including provisions related to membership on the committee;
- ▶ amends provisions related to Utah State University regional campuses, including provisions related to Utah State University's regional campus in Moab;
- ▶ establishes a comprehensive regional college of Utah State University called Utah State University Blanding;
- ▶ removes from Utah State University Eastern the Utah State University campus in Blanding;
- ▶ enacts provisions related to Utah State University Blanding, including provisions related to:
 - governance and administration; and
 - a regional advisory council;



28 ▶ makes other changes related to Utah State University's regional colleges and
29 campuses; and

30 ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

33a **Ŝ→ This bill provides a special effective date. ←Ŝ**

34 This bill provides a coordination clause.

35 **Utah Code Sections Affected:**

36 **AMENDS:**

37 **53B-1-103**, as last amended by Laws of Utah 2018, Chapter 200

38 **53B-2-104**, as last amended by Laws of Utah 2018, Chapter 382

39 **53B-16-207**, as last amended by Laws of Utah 2013, Chapter 465

40 **53B-16-208**, as last amended by Laws of Utah 2013, Chapter 465

41 **53B-18-301**, as enacted by Laws of Utah 1987, Chapter 167

42 **53B-18-302**, as enacted by Laws of Utah 1987, Chapter 167

43 **53B-26-102**, as last amended by Laws of Utah 2018, Chapter 421

44 **53B-26-103**, as last amended by Laws of Utah 2018, Chapter 421

45 **53E-3-507**, as renumbered and amended by Laws of Utah 2018, Chapter 1

46 **63N-12-212**, as last amended by Laws of Utah 2017, Chapter 382

47 **ENACTS:**

48 **53B-18-1202**, Utah Code Annotated 1953

49 **REPEALS AND REENACTS:**

50 **53B-18-1201**, as last amended by Laws of Utah 2013, Chapter 465

51 **Utah Code Sections Affected by Coordination Clause:**

52 **53B-8-114**, Utah Code Annotated 1953

53

Be it enacted by the Legislature of the state of Utah:

54 Section 1. Section **53B-1-103** is amended to read:

55 **53B-1-103. Establishment of State Board of Regents -- Powers, duties, and**
56 **authority.**

57 (1) There is established a State Board of Regents.

(2) (a) Except as provided in Subsection (2)(b), the board shall control, manage, and supervise the institutions of higher education designated in Section 53B-1-102 in a manner consistent with the policy and purpose of this title and the specific powers and responsibilities granted to the board.

(b) The board may only exercise powers relating to the Utah System of Technical Colleges Board of Trustees, the Utah System of Technical Colleges, or a technical college that are specifically provided in this title.

(3) The board shall, for the Utah System of Higher Education:

(a) provide strategic leadership and link system capacity to the economy and workforce needs;

(b) enhance the impact and efficiency of the system;

(c) establish measurable goals and metrics and delineate the expected contributions of individual institutions of higher education toward these goals;

(d) evaluate presidents based on institutional performance;

(e) delegate to presidents the authority to manage the presidents' institutions of higher education;

(f) administer statewide functions including system data collection and reporting;

(g) establish unified budget, finance, and capital funding priorities and practices; and

(h) provide system leadership on issues that have a system-wide impact, including:

(i) statewide college access and college preparedness initiatives;

(ii) learning opportunities drawn from multiple campuses or online learning options, including new modes of delivery of content at multiple locations;

(iii) degree program requirement guidelines including credit hour limits, articulation agreements, and transfer across institutions;

(iv) alignment of general education requirements across institutions of higher education;

(v) incorporation of evidence-based practices that increase college completion; and

(vi) monitoring of workforce needs, with an emphasis on credentials that build upon one another.

(4) The board shall coordinate and support articulation agreements between the Utah System of Technical Colleges or a technical college and other institutions of higher education.

(5) The board shall prepare and submit an annual report detailing the board's progress and recommendations on career and technical education issues and addressing workforce needs to the governor and to the Legislature's Education Interim Committee by October 31 of each year, which shall include information detailing:

(a) how the career and technical education needs of secondary students are being met by institutions of higher education described in Subsection 53B-1-102(1)(a), including the access secondary students have to programs offered by Salt Lake Community College's School of Applied Technology, Snow College, ~~and~~ Utah State University Eastern, and Utah State University Blanding;

(b) how the emphasis on high demand, high wage, and high skill jobs in business and industry is being provided;

(c) performance outcomes, including:

(i) entered employment;

(ii) job retention; and

(iii) earnings;

(d) an analysis of workforce needs and efforts to meet workforce needs; and

(e) student tuition and fees.

(6) The board may modify the name of an institution described in Subsection 53B-1-102(1)(a) to reflect the role and general course of study of the institution.

(7) The board may not conduct a feasibility study or perform another act relating to merging a technical college with another institution of higher education.

(8) This section does not affect the power and authority vested in the State Board of Education to apply for, accept, and manage federal appropriations for the establishment and maintenance of career and technical education.

(9) The board shall ensure that any training or certification that an employee of the higher education system is required to complete under this title or by board rule complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Section 2. Section 53B-2-104 is amended to read:

53B-2-104. Institution of higher education board of trustees -- Membership -- Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees -- Compensation.

121 (1) (a) Except as provided in Subsection (10), the board of trustees of an institution of
122 higher education consists of the following:

123 (i) except as provided in Subsection [~~53B-18-1201(3)(b)~~] (1)(c), eight individuals
124 appointed by the governor with the consent of the Senate; and

125 (ii) two ex officio members who are the president of the institution's alumni
126 association, and the president of the associated students of the institution.

127 (b) The appointed members of the boards of trustees for Utah Valley University and
128 Salt Lake Community College shall be representative of the interests of business, industry, and
129 labor.

130 (c) (i) The board of trustees of Utah State University has nine individuals appointed by
131 the governor with the consent of the Senate.

132 (ii) One of the nine individuals described in Subsection (1)(c)(i) shall reside in the
133 Utah State University Eastern service region or the Utah State University Blanding service
134 region.

135 (2) (a) The governor shall appoint four members of each board of trustees during each
136 odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

137 (b) Except as provided in Subsection (2)(d), a member appointed under Subsection
138 (1)(a)(i) or (1)(c)(i) holds office until a successor is appointed and qualified.

139 (c) The ex officio members serve for the same period as they serve as presidents and
140 until their successors have qualified.

141 (d) (i) The governor may remove a member appointed under Subsection (1)(a)(i) or
142 (1)(c)(i) for cause.

143 (ii) The governor shall consult with the president of the Senate before removing a
144 member appointed under Subsection (1)(a)(i) or (1)(c)(i).

145 (3) When a vacancy occurs in the membership of a board of trustees for any reason, the
146 replacement shall be appointed for the unexpired term.

147 (4) (a) Each member of a board of trustees shall take the official oath of office prior to
148 assuming the office.

149 (b) The oath shall be filed with the Division of Archives and Records Services.

150 (5) A board of trustees shall elect a chair and vice chair, who serve for two years and
151 until their successors are elected and qualified.

(6) (a) A board of trustees may enact bylaws for the board of trustees' own government, including provisions for regular meetings.

(b) (i) A board of trustees may provide for an executive committee in the board of trustees' bylaws.

(ii) If established, an executive committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.

(iii) An executive committee may act on nonroutine matters only under extraordinary and emergency circumstances.

(iv) An executive committee shall report the executive committee's activities to the board of trustees at the board of trustees' next regular meeting following the action.

(c) Copies of a board of trustees' bylaws shall be filed with the board.

(7) A quorum is required to conduct business and consists of six members.

(8) A board of trustees may establish advisory committees.

(9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section [63A-3-106](#);

(b) Section [63A-3-107](#); and

(c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and [63A-3-107](#).

(10) This section does not apply to a technical college board of directors described in Section [53B-2a-108](#).

Section 3. Section **53B-16-207** is amended to read:

53B-16-207. Utah State University regional institutions -- Career and technical education -- Supervision and administration.

(1) As used in this section:

(a) "USU regional institution" means:

(i) Utah State University Eastern;

(ii) Utah State University Blanding; or

(iii) Utah State University Moab.

(b) "Utah State University Moab" means the Utah State University regional campus located at or near Moab described in Section [53B-18-301](#).

183 ~~[(1) Utah State University Eastern shall:]~~

184 (2) A USU regional institution shall:

185 (a) maintain a strong curriculum in career and technical education courses at ~~[its]~~ the
186 USU regional institution's campus and within the region ~~[it]~~ the USU regional institution
187 serves ~~[which]~~ that can be transferred to other institutions within the higher education system,
188 together with lower division courses and courses required for associate degrees in science, arts,
189 applied science, and career and technical education;

190 (b) work with school districts and charter schools in developing an aggressive
191 concurrent enrollment program; and

192 (c) provide for open-entry, open-exit competency-based career and technical education
193 programs, at a low cost tuition rate for adults and at no tuition cost to secondary students, that
194 emphasize short-term job training or retraining for immediate placement in the job market and
195 serve the geographic area encompassing:

196 (i) for Utah State University Eastern, the Carbon School District~~[-(ii)]~~ and the Emery
197 School District;

198 ~~[(iii) the Grand School District; and]~~

199 ~~[(iv)]~~ (ii) for Utah State University Blanding, the San Juan School District~~[-]; and~~

200 (iii) for Utah State University Moab, the Grand School District.

201 ~~[(2) Utah State University Eastern]~~

202 (3) A USU regional institution may not exercise any jurisdiction over career and
203 technical education provided by a school district or charter school independently of ~~[Utah State~~
204 ~~University Eastern]~~ the USU regional institution.

205 ~~[(3) Utah State University Eastern]~~

206 (4) A USU regional institution shall report to the ~~[State Board of Regents]~~ board
207 annually on:

208 (a) the status of and maintenance of the effort for career and technical education in the
209 region served by ~~[Utah State University Eastern]~~ the USU regional institution, including access
210 to open-entry, open-exit competency-based career and technical education programs; and

211 (b) student tuition and fees.

212 ~~[(4)]~~ (5) Legislative appropriations to Utah State University ~~[Eastern]~~ career and
213 technical education described in this section shall be made as line items that are separate from

other appropriations for Utah State University ~~[Eastern]~~.

Section 4. Section **53B-16-208** is amended to read:

53B-16-208. Utah State University career and technical education advisory committee -- Membership -- Duties.

(1) As used in this section:

(a) "Service regions" means the service regions, as established by the Utah State University board of trustees, for:

(i) Utah State University Eastern;

(ii) Utah State University Blanding; and

(iii) Utah State University Moab.

(b) "Utah State University Moab" means the Utah State University regional campus located at or near Moab described in Section [53B-18-301](#).

~~[(+)]~~ (2) Utah State University ~~[Eastern shall have]~~ shall establish a career and technical education advisory committee composed of the following ~~[(+)]~~ 13 members:

(a) one elected local school board member appointed by the board of education for the Carbon School District;

(b) one elected local school board member appointed by the board of education for the Emery School District;

(c) one elected local school board member appointed by the board of education for the Grand School District;

(d) one elected local school board member appointed by the board of education for the San Juan School District;

(e) nine members appointed by the Utah State University president that include:

~~[(e)]~~ (i) one member of the Utah State University Eastern ~~[Regional Advisory Council appointed by the chancellor of Utah State University Eastern; and]~~ regional advisory council described in Section [53B-18-1201](#);

(ii) one member of the Utah State University Blanding regional advisory council described in Section [53B-18-1202](#);

(iii) one member representing Utah State University Moab; and

~~[(f)]~~ (iv) six representatives of business or industry ~~[within the region appointed by the chancellor of Utah State University Eastern]~~ from members of the program advisory

committees overseeing career and technical education in the ~~[region]~~ service regions.

~~[(2)]~~ (3) The career and technical education advisory committee shall:

(a) ~~[after consulting with Utah State University Eastern, school districts, and charter schools within its region,]~~ prepare a comprehensive strategic plan for delivering career and technical education within ~~[its region,]~~ the service regions, after consulting with:

(i) Utah State University Eastern;

(ii) Utah State University Blanding;

(iii) Utah State University Moab; and

(iv) school districts and charter schools within the service regions;

(b) make recommendations regarding what skills are needed for employment in Utah businesses and industries;

(c) recommend programs based upon the information gathered in accordance with Subsection ~~[(2)]~~ (3)(b);

(d) review annual program evaluations;

(e) provide counsel, support, and recommendations for updating and improving the effectiveness of career and technical education programs and services, including expedited program approval and termination of procedures, consistent with ~~[Board of Regents']~~ board policy;

(f) monitor program advisory committees and other advisory groups to provide counsel, support, and recommendations for updating and improving the effectiveness of training programs and services; and

(g) coordinate with local school boards, districts, and charter schools to meet the career and technical education needs of secondary students.

Section 5. Section **53B-18-301** is amended to read:

Part 3. Regional Campuses

53B-18-301. Regional campuses -- Administration -- Location.

Utah State University shall operate and administer ~~[area education centers]~~ regional campuses located at or near Roosevelt and Moab.

Section 6. Section **53B-18-302** is amended to read:

53B-18-302. Courses offered at regional campuses.

~~[The area education centers]~~ A regional campus described in Section [53B-18-301](#) shall

offer academic courses comparable to those offered in an accredited institution of higher education.

Section 7. Section **53B-18-1201** is repealed and reenacted to read:

53B-18-1201. Utah State University Eastern -- Establishment -- Regional advisory council.

(1) As used in this section:

(a) "University" means Utah State University.

(b) "Vice president" means the vice president described in Subsection (5).

(2) (a) There is established a comprehensive regional college of the university called Utah State University Eastern.

(b) The university shall:

(i) possess all rights, title, privileges, powers, immunities, franchises, endowments, property, and claims of the College of Eastern Utah; and

(ii) fulfill and perform all obligations of Utah State University Eastern, including obligations relating to outstanding bonds and notes.

(3) (a) Utah State University Eastern has a campus that serves Price, Utah, and surrounding areas.

(b) The university board of trustees shall establish Utah State University Eastern's service region.

(4) Utah State University Eastern is under the authority and direction of the university president and the university board of trustees.

(5) Utah State University Eastern shall be administered by a vice president of the university appointed by the university president.

(6) (a) The university president shall appoint a regional advisory council to advise the university president and the vice president regarding local issues relating to Utah State University Eastern.

(b) The vice president shall provide the university president with recommendations for membership on the regional advisory council.

(c) The regional advisory council may include:

(i) a student representative; or

(ii) residents of the counties in the Utah State University Eastern service region.

Section 8. Section **53B-18-1202** is enacted to read:

53B-18-1202. Utah State University Blanding -- Establishment -- Regional advisory council.

(1) As used in this section:

(a) "University" means Utah State University.

(b) "Vice president" means the vice president described in Subsection (5).

(2) There is established a comprehensive regional college of the university called Utah State University Blanding.

(3) (a) Utah State University Blanding has a campus that serves Blanding, Utah, and surrounding areas.

(b) The university board of trustees shall establish Utah State University Blanding's service region.

(4) Utah State University Blanding is under the authority and direction of the university president and the university board of trustees.

(5) Utah State University Blanding shall be administered by a vice president of the university appointed by the university president.

(6) (a) The university president shall appoint a regional advisory council to advise the university president and the vice president regarding local issues relating to Utah State University Blanding.

(b) The vice president shall provide the university president with recommendations for membership on the regional advisory council.

(c) The regional advisory council may include:

(i) a student representative; or

(ii) residents of the counties in the Utah State University Blanding service region.

Section 9. Section **53B-26-102** is amended to read:

53B-26-102. Definitions.

As used in this chapter:

(1) "CTE" means career and technical education.

(2) "CTE region" means an economic service area created in Section [35A-2-101](#).

(3) "Eligible partnership" means:

(a) a regional partnership; or

(b) a statewide partnership.

(4) "Employer" means a private employer, public employer, industry association, the military, or a union.

(5) "Industry advisory group" means:

(a) a group of at least five employers that represent the workforce needs to which a proposal submitted under Section 53B-26-103 responds; and

(b) a representative of the Governor's Office of Economic Development, appointed by the executive director of the Governor's Office of Economic Development.

(6) "Institution of higher education" means the University of Utah, Utah State University, Southern Utah University, Weber State University, Snow College, Dixie State University, Utah Valley University, or Salt Lake Community College.

(7) "Regional partnership" means a partnership that:

(a) provides educational services within one CTE region; and

(b) is between at least two of the following located in the CTE region:

(i) a technical college;

(ii) a school district or charter school; or

(iii) an institution of higher education.

(8) "Stackable sequence of credentials" means a sequence of credentials that:

(a) an individual can build upon to access an advanced job or higher wage;

(b) is part of a career pathway system;

(c) provides a pathway culminating in the equivalent of an associate's or bachelor's degree;

(d) facilitates multiple exit and entry points; and

(e) recognizes sub-goals or momentum points.

(9) "Statewide partnership" means a partnership between at least two regional partnerships.

(10) "Technical college" means:

(a) a college described in Section 53B-2a-105;

(b) the School of Applied Technology at Salt Lake Community College established under Section 53B-16-209;

(c) Utah State University Eastern established under Section 53B-18-1201; [or]

(d) Utah State University Blanding established under Section [53B-18-1202](#); or
[~~(d)~~] (e) the Snow College Richfield campus established under Section [53B-16-205](#).

Section 10. Section **53B-26-103** is amended to read:

53B-26-103. GOED reporting requirement -- Proposals -- Funding.

(1) Every other year, the Governor's Office of Economic Development shall report to the Legislature, the board, and the Utah System of Technical Colleges Board of Trustees on the high demand technical jobs projected to support economic growth in the following high need strategic industry clusters:

- (a) aerospace and defense;
- (b) energy and natural resources;
- (c) financial services;
- (d) life sciences;
- (e) outdoor products;
- (f) software development and information technology; and
- (g) any other strategic industry cluster designated by the Governor's Office of Economic Development.

(2) To receive funding under this section, an eligible partnership shall submit a proposal containing the elements described in Subsection (3) to the Legislature on or before January 5 for fiscal year 2018 and any succeeding fiscal year.

(3) A proposal described in Subsection (2) shall include:

(a) a program of instruction that:

- (i) is responsive to the workforce needs of a strategic industry cluster described in Subsection (1):
 - (A) in one CTE region, for a proposal submitted by a regional partnership; or
 - (B) in at least two CTE regions, for a proposal submitted by a statewide partnership;
- (ii) leads to the attainment of a stackable sequence of credentials; and
- (iii) includes a non-duplicative progression of courses that include both academic and CTE content;
- (b) expected student enrollment, attainment rates, and job placement rates;
- (c) evidence of input and support for the proposal from an industry advisory group;
- (d) a description of any financial or in-kind contributions for the program from an

industry advisory group;

(e) a description of the job opportunities available at each exit point in the stackable sequence of credentials;

(f) evidence of an official action in support of the proposal from:

(i) the Utah System of Technical Colleges Board of Trustees, if the eligible partnership includes a technical college described in Subsection 53B-26-102(10)(a); or

(ii) the board, if the eligible partnership includes:

(A) an institution of higher education; or

(B) a college described in Subsection 53B-26-102(10)(b)[, (c), or (d)] through (e);

(g) if the program of instruction described in Subsection (3)(a) requires board approval under Section 53B-16-102, evidence of board approval of the program of instruction; and

(h) a funding request, including justification for the request.

(4) The Legislature shall:

(a) review a proposal submitted under this section using the following criteria:

(i) the proposal contains the elements described in Subsection (3);

(ii) for a proposal from a regional partnership, support for the proposal is widespread within the CTE region; and

(iii) the proposal expands the capacity to meet state or regional workforce needs;

(b) determine the extent to which to fund the proposal; and

(c) fund the proposal through the appropriations process.

(5) An eligible partnership that receives funding under this section:

(a) shall use the money to deliver the program of instruction described in the eligible partnership's proposal; and

(b) may not use the money for administration.

Section 11. Section 53E-3-507 is amended to read:

53E-3-507. Powers of the board.

The State Board of Education:

(1) shall establish minimum standards for career and technical education programs in the public education system;

(2) may apply for, receive, administer, and distribute funds made available through programs of federal and state governments to promote and aid career and technical education;

(3) shall cooperate with federal and state governments to administer programs that promote and maintain career and technical education;

(4) shall cooperate with the Utah System of Technical Colleges Board of Trustees, Salt Lake Community College's School of Applied Technology, Snow College, ~~[and]~~ Utah State University Eastern, and Utah State University Blanding to ensure that students in the public education system have access to career and technical education at Utah System of Technical Colleges technical colleges, Salt Lake Community College's School of Applied Technology, Snow College, ~~[and]~~ Utah State University Eastern, and Utah State University Blanding;

(5) shall require that before a minor student may participate in clinical experiences as part of a health care occupation program at a high school or other institution to which the student has been referred, the student's parent or legal guardian has:

(a) been first given written notice through appropriate disclosure when registering and prior to participation that the program contains a clinical experience segment in which the student will observe and perform specific health care procedures that may include personal care, patient bathing, and bathroom assistance; and

(b) provided specific written consent for the student's participation in the program and clinical experience; and

(6) shall, after consulting with school districts, charter schools, the Utah System of Technical Colleges Board of Trustees, Salt Lake Community College's School of Applied Technology, Snow College, ~~[and]~~ Utah State University Eastern, and Utah State University Blanding, prepare and submit an annual report to the governor and to the Legislature's Education Interim Committee by October 31 of each year detailing:

(a) how the career and technical education needs of secondary students are being met; and

(b) the access secondary students have to programs offered:

(i) at technical colleges; and

(ii) within the regions served by Salt Lake Community College's School of Applied Technology, Snow College, ~~[and]~~ Utah State University Eastern, and Utah State University Blanding.

Section 12. Section **63N-12-212** is amended to read:

63N-12-212. High school STEM education initiative.

(1) Subject to legislative appropriations, after consulting with State Board of Education staff, the STEM Action Center shall award grants to school districts and charter schools to fund STEM related certification for high school students.

(2) (a) A school district or charter school may apply for a grant from the STEM Action Center, through a competitive process, to fund the school district's or charter school's STEM related certification training program.

(b) A school district's or charter school's STEM related certification training program shall:

(i) prepare high school students to be job ready for available STEM related positions of employment; and

(ii) when a student completes the program, result in the student gaining an industry-recognized employer STEM related certification.

(3) A school district or charter school may partner with one or more of the following to provide a STEM related certification program:

(a) a technical college described in Section 53B-2a-105;

(b) Salt Lake Community College;

(c) Snow College;

(d) Utah State University Eastern; [or]

(e) Utah State University Blanding; or

[(e)] (f) a private sector employer.

§→ **Section 13. Effective date.**

This bill takes effect on July 1, 2019. ←§

Section §→ [H3] 14 ←§ . **Coordinating S.B. 232 with S.B. 136 -- Substantive language.**

If this S.B. 232 and S.B. 136, Scholarships for Career and Technical Education, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by replacing Subsection 53B-8-114(1)(a) with the following language:

"(a) "Eligible institution" means:

(i) Salt Lake Community College's School of Applied Technology established in Section 53B-16-209;

(ii) Snow College;

(iii) Utah State University Eastern established in Section 53B-18-1201;

(iv) Utah State University Blanding established in Section 53B-18-1202; or

493 (v) the Utah State University regional campus located at or near Moab described in
494 Section [53B-18-301.](#)"